247 F.Supp. 306

United States District Court W.D. Virginia,  
Roanoke Division.

Jacqueline Maines JANNEY, Plaintiff,  
v.  
ARLAN'S DEPARTMENT STORE, Defendant.

Civ. A. No. 65-C-29-R.

Nov. 15, 1965.

Action by patron against department store operator for malicious prosecution. The District Court, Dalton, Chief Judge, held that even if department store operator was responsible for detective's causing issuance of warrant for arrest of patron, the operator had reasonable cause to believe that patron who picked up several articles of merchandise and was subsequently convicted of wilfully concealing merchandise while in the store had wilfully concealed the merchandise, and operator was thus not liable for malicious prosecution of patron under Virginia law.

Summary judgment for defendant.

West Headnotes

[[1]](http://campus.westlaw.com/result/%09%09%09%09%09%09" \l "B11965111694) [[Headnote Citing References](http://campus.westlaw.com/KCNotes/default.wl?fn=_top&rp=%2fKCNotes%2fdefault.wl&rs=WLW11.10&service=Find&pbc=ECC9867F&db=0000345&sv=Split&sequencenum=1&rlt=CLID_FQRLT7413340815612&n=1&vr=2.0&rlti=1&mt=CampusLaw&serialnum=1965111694&locatestring=HD(502)%2cCL(H%2cO)%2cDC(A%2cL%2cO%2cD%2cG)%2cDT(E%2cD%2cC%2cM))KeyCite Citing References for this Headnote](http://campus.westlaw.com/KCNotes/default.wl?fn=_top&rp=%2fKCNotes%2fdefault.wl&rs=WLW11.10&service=Find&pbc=ECC9867F&db=0000345&sv=Split&sequencenum=1&rlt=CLID_FQRLT7413340815612&n=1&vr=2.0&rlti=1&mt=CampusLaw&serialnum=1965111694&locatestring=HD(502)%2cCL(H%2cO)%2cDC(A%2cL%2cO%2cD%2cG)%2cDT(E%2cD%2cC%2cM))  
  
[Key Number Symbol](http://campus.westlaw.com/digest/default.aspx?docname=249&rp=%2fdigest%2fdefault.aspx&sv=Split&cmd=KEY&rs=WLW11.10&fn=_top&mt=CampusLaw&vr=2.0&pbc=ECC9867F)[249](http://campus.westlaw.com/digest/default.aspx?docname=249&rp=%2fdigest%2fdefault.aspx&sv=Split&cmd=KEY&rs=WLW11.10&fn=_top&mt=CampusLaw&vr=2.0&pbc=ECC9867F) Malicious Prosecution  
   [Key Number Symbol](http://campus.westlaw.com/digest/default.aspx?docname=249I&rp=%2fdigest%2fdefault.aspx&sv=Split&cmd=KEY&rs=WLW11.10&fn=_top&mt=CampusLaw&vr=2.0&pbc=ECC9867F)[249I](http://campus.westlaw.com/digest/default.aspx?docname=249I&rp=%2fdigest%2fdefault.aspx&sv=Split&cmd=KEY&rs=WLW11.10&fn=_top&mt=CampusLaw&vr=2.0&pbc=ECC9867F) Nature and Commencement of Prosecution  
     [Key Number Symbol](http://campus.westlaw.com/digest/default.aspx?docname=249k0.5&rp=%2fdigest%2fdefault.aspx&sv=Split&cmd=KEY&rs=WLW11.10&fn=_top&mt=CampusLaw&vr=2.0&pbc=ECC9867F)[249k0.5](http://campus.westlaw.com/digest/default.aspx?docname=249k0.5&rp=%2fdigest%2fdefault.aspx&sv=Split&cmd=KEY&rs=WLW11.10&fn=_top&mt=CampusLaw&vr=2.0&pbc=ECC9867F) k. Nature and Elements of Malicious Prosecution in General. [Most Cited Cases](http://campus.westlaw.com/digest/default.aspx?docname=249k0.5&rp=%2fdigest%2fdefault.aspx&sv=Split&cmd=MCC&rs=WLW11.10&fn=_top&mt=CampusLaw&vr=2.0&pbc=ECC9867F)  
       (Formerly 249k16)

Elements of cause of action for malicious prosecution are institution of judicial proceedings by or at instance of defendant with actual malice and without probable cause and termination of those proceedings in plaintiff's favor.

[[2]](http://campus.westlaw.com/result/%09%09%09%09%09%09" \l "B21965111694) [[Headnote Citing References](http://campus.westlaw.com/KCNotes/default.wl?fn=_top&rp=%2fKCNotes%2fdefault.wl&rs=WLW11.10&service=Find&pbc=ECC9867F&db=0000345&sv=Split&sequencenum=2&rlt=CLID_FQRLT7413340815612&n=1&vr=2.0&rlti=1&mt=CampusLaw&serialnum=1965111694&locatestring=HD(504)%2cCL(H%2cO)%2cDC(A%2cL%2cO%2cD%2cG)%2cDT(E%2cD%2cC%2cM))KeyCite Citing References for this Headnote](http://campus.westlaw.com/KCNotes/default.wl?fn=_top&rp=%2fKCNotes%2fdefault.wl&rs=WLW11.10&service=Find&pbc=ECC9867F&db=0000345&sv=Split&sequencenum=2&rlt=CLID_FQRLT7413340815612&n=1&vr=2.0&rlti=1&mt=CampusLaw&serialnum=1965111694&locatestring=HD(504)%2cCL(H%2cO)%2cDC(A%2cL%2cO%2cD%2cG)%2cDT(E%2cD%2cC%2cM))  
  
[Key Number Symbol](http://campus.westlaw.com/digest/default.aspx?docname=249&rp=%2fdigest%2fdefault.aspx&sv=Split&cmd=KEY&rs=WLW11.10&fn=_top&mt=CampusLaw&vr=2.0&pbc=ECC9867F)[249](http://campus.westlaw.com/digest/default.aspx?docname=249&rp=%2fdigest%2fdefault.aspx&sv=Split&cmd=KEY&rs=WLW11.10&fn=_top&mt=CampusLaw&vr=2.0&pbc=ECC9867F) Malicious Prosecution  
   [Key Number Symbol](http://campus.westlaw.com/digest/default.aspx?docname=249V&rp=%2fdigest%2fdefault.aspx&sv=Split&cmd=KEY&rs=WLW11.10&fn=_top&mt=CampusLaw&vr=2.0&pbc=ECC9867F)[249V](http://campus.westlaw.com/digest/default.aspx?docname=249V&rp=%2fdigest%2fdefault.aspx&sv=Split&cmd=KEY&rs=WLW11.10&fn=_top&mt=CampusLaw&vr=2.0&pbc=ECC9867F) Actions  
     [Key Number Symbol](http://campus.westlaw.com/digest/default.aspx?docname=249k38&rp=%2fdigest%2fdefault.aspx&sv=Split&cmd=KEY&rs=WLW11.10&fn=_top&mt=CampusLaw&vr=2.0&pbc=ECC9867F)[249k38](http://campus.westlaw.com/digest/default.aspx?docname=249k38&rp=%2fdigest%2fdefault.aspx&sv=Split&cmd=KEY&rs=WLW11.10&fn=_top&mt=CampusLaw&vr=2.0&pbc=ECC9867F) k. Nature and Form of Remedy. [Most Cited Cases](http://campus.westlaw.com/digest/default.aspx?docname=249k38&rp=%2fdigest%2fdefault.aspx&sv=Split&cmd=MCC&rs=WLW11.10&fn=_top&mt=CampusLaw&vr=2.0&pbc=ECC9867F)

Actions for malicious prosecution are not favored, and recovery will be allowed only when requirements for such a prosecution have been fully complied with.

[[3]](http://campus.westlaw.com/result/%09%09%09%09%09%09" \l "B31965111694) [[Headnote Citing References](http://campus.westlaw.com/KCNotes/default.wl?fn=_top&rp=%2fKCNotes%2fdefault.wl&rs=WLW11.10&service=Find&pbc=ECC9867F&db=0000345&sv=Split&sequencenum=3&rlt=CLID_FQRLT7413340815612&n=1&vr=2.0&rlti=1&mt=CampusLaw&serialnum=1965111694&locatestring=HD(501)%2cCL(H%2cO)%2cDC(A%2cL%2cO%2cD%2cG)%2cDT(E%2cD%2cC%2cM))KeyCite Citing References for this Headnote](http://campus.westlaw.com/KCNotes/default.wl?fn=_top&rp=%2fKCNotes%2fdefault.wl&rs=WLW11.10&service=Find&pbc=ECC9867F&db=0000345&sv=Split&sequencenum=3&rlt=CLID_FQRLT7413340815612&n=1&vr=2.0&rlti=1&mt=CampusLaw&serialnum=1965111694&locatestring=HD(501)%2cCL(H%2cO)%2cDC(A%2cL%2cO%2cD%2cG)%2cDT(E%2cD%2cC%2cM))  
  
[Key Number Symbol](http://campus.westlaw.com/digest/default.aspx?docname=228&rp=%2fdigest%2fdefault.aspx&sv=Split&cmd=KEY&rs=WLW11.10&fn=_top&mt=CampusLaw&vr=2.0&pbc=ECC9867F)[228](http://campus.westlaw.com/digest/default.aspx?docname=228&rp=%2fdigest%2fdefault.aspx&sv=Split&cmd=KEY&rs=WLW11.10&fn=_top&mt=CampusLaw&vr=2.0&pbc=ECC9867F) Judgment  
   [Key Number Symbol](http://campus.westlaw.com/digest/default.aspx?docname=228XIV&rp=%2fdigest%2fdefault.aspx&sv=Split&cmd=KEY&rs=WLW11.10&fn=_top&mt=CampusLaw&vr=2.0&pbc=ECC9867F)[228XIV](http://campus.westlaw.com/digest/default.aspx?docname=228XIV&rp=%2fdigest%2fdefault.aspx&sv=Split&cmd=KEY&rs=WLW11.10&fn=_top&mt=CampusLaw&vr=2.0&pbc=ECC9867F) Conclusiveness of Adjudication  
     [Key Number Symbol](http://campus.westlaw.com/digest/default.aspx?docname=228XIV(A)&rp=%2fdigest%2fdefault.aspx&sv=Split&cmd=KEY&rs=WLW11.10&fn=_top&mt=CampusLaw&vr=2.0&pbc=ECC9867F)[228XIV(A)](http://campus.westlaw.com/digest/default.aspx?docname=228XIV(A)&rp=%2fdigest%2fdefault.aspx&sv=Split&cmd=KEY&rs=WLW11.10&fn=_top&mt=CampusLaw&vr=2.0&pbc=ECC9867F) Judgments Conclusive in General  
       [Key Number Symbol](http://campus.westlaw.com/digest/default.aspx?docname=228k643&rp=%2fdigest%2fdefault.aspx&sv=Split&cmd=KEY&rs=WLW11.10&fn=_top&mt=CampusLaw&vr=2.0&pbc=ECC9867F)[228k643](http://campus.westlaw.com/digest/default.aspx?docname=228k643&rp=%2fdigest%2fdefault.aspx&sv=Split&cmd=KEY&rs=WLW11.10&fn=_top&mt=CampusLaw&vr=2.0&pbc=ECC9867F) Nature of Action or Other Proceeding  
         [Key Number Symbol](http://campus.westlaw.com/digest/default.aspx?docname=228k648&rp=%2fdigest%2fdefault.aspx&sv=Split&cmd=KEY&rs=WLW11.10&fn=_top&mt=CampusLaw&vr=2.0&pbc=ECC9867F)[228k648](http://campus.westlaw.com/digest/default.aspx?docname=228k648&rp=%2fdigest%2fdefault.aspx&sv=Split&cmd=KEY&rs=WLW11.10&fn=_top&mt=CampusLaw&vr=2.0&pbc=ECC9867F) k. Civil or Criminal Proceedings. [Most Cited Cases](http://campus.westlaw.com/digest/default.aspx?docname=228k648&rp=%2fdigest%2fdefault.aspx&sv=Split&cmd=MCC&rs=WLW11.10&fn=_top&mt=CampusLaw&vr=2.0&pbc=ECC9867F)

Guilt of accused may be shown notwithstanding acquittal of accused in court of law, when defending malicious prosecution action by accused.

[[4]](http://campus.westlaw.com/result/%09%09%09%09%09%09" \l "B41965111694) [[Headnote Citing References](http://campus.westlaw.com/KCNotes/default.wl?fn=_top&rp=%2fKCNotes%2fdefault.wl&rs=WLW11.10&service=Find&pbc=ECC9867F&db=0000345&sv=Split&sequencenum=4&rlt=CLID_FQRLT7413340815612&n=1&vr=2.0&rlti=1&mt=CampusLaw&serialnum=1965111694&locatestring=HD(503)%2cCL(H%2cO)%2cDC(A%2cL%2cO%2cD%2cG)%2cDT(E%2cD%2cC%2cM))KeyCite Citing References for this Headnote](http://campus.westlaw.com/KCNotes/default.wl?fn=_top&rp=%2fKCNotes%2fdefault.wl&rs=WLW11.10&service=Find&pbc=ECC9867F&db=0000345&sv=Split&sequencenum=4&rlt=CLID_FQRLT7413340815612&n=1&vr=2.0&rlti=1&mt=CampusLaw&serialnum=1965111694&locatestring=HD(503)%2cCL(H%2cO)%2cDC(A%2cL%2cO%2cD%2cG)%2cDT(E%2cD%2cC%2cM))  
  
[Key Number Symbol](http://campus.westlaw.com/digest/default.aspx?docname=249&rp=%2fdigest%2fdefault.aspx&sv=Split&cmd=KEY&rs=WLW11.10&fn=_top&mt=CampusLaw&vr=2.0&pbc=ECC9867F)[249](http://campus.westlaw.com/digest/default.aspx?docname=249&rp=%2fdigest%2fdefault.aspx&sv=Split&cmd=KEY&rs=WLW11.10&fn=_top&mt=CampusLaw&vr=2.0&pbc=ECC9867F) Malicious Prosecution  
   [Key Number Symbol](http://campus.westlaw.com/digest/default.aspx?docname=249II&rp=%2fdigest%2fdefault.aspx&sv=Split&cmd=KEY&rs=WLW11.10&fn=_top&mt=CampusLaw&vr=2.0&pbc=ECC9867F)[249II](http://campus.westlaw.com/digest/default.aspx?docname=249II&rp=%2fdigest%2fdefault.aspx&sv=Split&cmd=KEY&rs=WLW11.10&fn=_top&mt=CampusLaw&vr=2.0&pbc=ECC9867F) Want of Probable Cause  
     [Key Number Symbol](http://campus.westlaw.com/digest/default.aspx?docname=249k17&rp=%2fdigest%2fdefault.aspx&sv=Split&cmd=KEY&rs=WLW11.10&fn=_top&mt=CampusLaw&vr=2.0&pbc=ECC9867F)[249k17](http://campus.westlaw.com/digest/default.aspx?docname=249k17&rp=%2fdigest%2fdefault.aspx&sv=Split&cmd=KEY&rs=WLW11.10&fn=_top&mt=CampusLaw&vr=2.0&pbc=ECC9867F) Criminal Prosecutions  
       [Key Number Symbol](http://campus.westlaw.com/digest/default.aspx?docname=249k18&rp=%2fdigest%2fdefault.aspx&sv=Split&cmd=KEY&rs=WLW11.10&fn=_top&mt=CampusLaw&vr=2.0&pbc=ECC9867F)[249k18](http://campus.westlaw.com/digest/default.aspx?docname=249k18&rp=%2fdigest%2fdefault.aspx&sv=Split&cmd=KEY&rs=WLW11.10&fn=_top&mt=CampusLaw&vr=2.0&pbc=ECC9867F) Grounds in General  
         [Key Number Symbol](http://campus.westlaw.com/digest/default.aspx?docname=249k18(2)&rp=%2fdigest%2fdefault.aspx&sv=Split&cmd=KEY&rs=WLW11.10&fn=_top&mt=CampusLaw&vr=2.0&pbc=ECC9867F)[249k18(2)](http://campus.westlaw.com/digest/default.aspx?docname=249k18(2)&rp=%2fdigest%2fdefault.aspx&sv=Split&cmd=KEY&rs=WLW11.10&fn=_top&mt=CampusLaw&vr=2.0&pbc=ECC9867F) k. Acts and Conduct of Accused Evidence of Probable Cause in General. [Most Cited Cases](http://campus.westlaw.com/digest/default.aspx?docname=249k18(2)&rp=%2fdigest%2fdefault.aspx&sv=Split&cmd=MCC&rs=WLW11.10&fn=_top&mt=CampusLaw&vr=2.0&pbc=ECC9867F)

Even if department store operator was responsible for detective's causing issuance of warrant for arrest of patron, the operator had reasonable cause to believe that patron who picked up several articles of merchandise and was subsequently convicted of wilfully concealing merchandise while in the store had wilfully concealed it, and operator was thus not liable for malicious prosecution of patron under Virginia law. Code Va.1950, § 18.1–127.

***\*307*** Leon R. Kytchen, Roanoke, Va., for plaintiff.  
  
M. Caldwell Butler, Eggleston, Holton, Bulter & Glenn, Roanoke, Va., for defendant.

DALTON, Chief Judge.

This is an action for malicious prosecution based upon the theory that defendant caused, without justification, the arrest of the plaintiff. The pertinent facts are as follows:

On or about December 12, 1964, Jacqueline Maines Janney, while in Arlan's Department Store, picked up several articles of merchandise which she had in her possession. She contends that she intended to purchase these, and there is conflict as to whether she concealed the merchandise in her handbag or whether she chose to carry it over her arm, with the handbag in her hand.

Mrs. Janney was requested by an employee of the store to go into a certain room with her where she was questioned, and where she subsequently signed a confession.

Following the confession, plaintiff was escorted to her car by an employee of Arlan's. On the next morning, a summons was issued and delivered to Mrs. Janney for her appearance in Court on the following Tuesday. At the request of Mrs. Janney's counsel, this proceeding was dismissed.

Detective C. A. Stanley (who had also been working at Arlan's), acting upon the instruction of the Judge of the Municipal Court for the City of Roanoke, then caused a warrant to be issued for Mrs. Janney's arrest. She was subsequently arrested and convicted in the Municipal Court for the City of Roanoke of concealing merchandise. The case was appealed to the Hustings Court for the City of Roanoke, where she was acquitted by a jury. Defendant has filed a motion for summary judgment in this action.

[[1]](http://campus.westlaw.com/result/%09%09%09%09%09%09" \l "F11965111694) [Headnote Citing References](http://campus.westlaw.com/KCNotes/default.wl?fn=_top&rp=%2fKCNotes%2fdefault.wl&rs=WLW11.10&service=Find&pbc=ECC9867F&db=0000345&sv=Split&rlt=CLID_FQRLT7413340815612&n=1&vr=2.0&rlti=1&mt=CampusLaw&serialnum=1965111694&locatestring=HD(502)%2cCL(H%2cO)%2cDC(A%2cL%2cO%2cD%2cG)%2cDT(E%2cD%2cC%2cM))The elements of a cause of action for malicious prosecution are said to be:

(1) institution of judicial proceedings by or at the instance of the defendant;

(2) the termination of such proceedings in plaintiff's favor;

(3) actual malice on the part of defendant in instituting the proceedings;

(4) a lack of probable cause for institution of the proceedings. [Wiggs v. Farmer, 205 Va. 149, 135 S.E.2d 829 (1964)](http://campus.westlaw.com/find/default.wl?serialnum=1964125347&tc=-1&rp=%2ffind%2fdefault.wl&sv=Split&rs=WLW11.10&db=711&tf=-1&findtype=Y&fn=_top&mt=CampusLaw&vr=2.0&pbc=ECC9867F&ordoc=1965111694); ***\*308*** [Restatement, Torts § 653 (1938)](http://campus.westlaw.com/find/default.wl?serialnum=0290691745&tc=-1&rp=%2ffind%2fdefault.wl&sv=Split&rs=WLW11.10&db=0101589&tf=-1&findtype=Y&fn=_top&mt=CampusLaw&vr=2.0&pbc=ECC9867F&ordoc=1965111694" \t "_top); [34 Am.Jur. Malicious Prosecution § 6 (1941)](http://campus.westlaw.com/find/default.wl?serialnum=0281666970&tc=-1&rp=%2ffind%2fdefault.wl&sv=Split&rs=WLW11.10&db=0113616&tf=-1&findtype=Y&fn=_top&mt=CampusLaw&vr=2.0&pbc=ECC9867F&ordoc=1965111694).

[[2]](http://campus.westlaw.com/result/%09%09%09%09%09%09" \l "F21965111694) [Headnote Citing References](http://campus.westlaw.com/KCNotes/default.wl?fn=_top&rp=%2fKCNotes%2fdefault.wl&rs=WLW11.10&service=Find&pbc=ECC9867F&db=0000345&sv=Split&rlt=CLID_FQRLT7413340815612&n=1&vr=2.0&rlti=1&mt=CampusLaw&serialnum=1965111694&locatestring=HD(504)%2cCL(H%2cO)%2cDC(A%2cL%2cO%2cD%2cG)%2cDT(E%2cD%2cC%2cM))[[3]](http://campus.westlaw.com/result/%09%09%09%09%09%09" \l "F31965111694) [Headnote Citing References](http://campus.westlaw.com/KCNotes/default.wl?fn=_top&rp=%2fKCNotes%2fdefault.wl&rs=WLW11.10&service=Find&pbc=ECC9867F&db=0000345&sv=Split&rlt=CLID_FQRLT7413340815612&n=1&vr=2.0&rlti=1&mt=CampusLaw&serialnum=1965111694&locatestring=HD(501)%2cCL(H%2cO)%2cDC(A%2cL%2cO%2cD%2cG)%2cDT(E%2cD%2cC%2cM))The court will preface its remarks by noting that actions for malicious prosecution are not favored and courts allow recovery only when the requirements for such have been fully complied with. Wiggs v. Farmer, supra. The charge of malicious prosecution is a most difficult one to prove, as all of the elements listed above must be present in order for the plaintiff to recover. Malice and want of probable cause must concur— either is insufficient without the other. Freezer v. Miller, 163 Va. 180, 176 S.E. 159, 182 S.E. 250 (1934). Moreover, it has been said that it matters not how malicious the prosecution or how lacking the probable cause if the accused was, in fact, guilty. The action of malicious prosecution is for the protection of the innocent, not the guilty, and therefore the guilt of the accused may be shown notwithstanding an acquittal in a court of law. Wiggs v. Farmer, supra; [Brodie v. Huck, 187 Va. 485, 488, 47 S.E.2d 310 (1948)](http://campus.westlaw.com/find/default.wl?serialnum=1948103900&tc=-1&rp=%2ffind%2fdefault.wl&sv=Split&rs=WLW11.10&db=711&tf=-1&findtype=Y&fn=_top&mt=CampusLaw&vr=2.0&pbc=ECC9867F&ordoc=1965111694).

[[4]](http://campus.westlaw.com/result/%09%09%09%09%09%09" \l "F41965111694) [Headnote Citing References](http://campus.westlaw.com/KCNotes/default.wl?fn=_top&rp=%2fKCNotes%2fdefault.wl&rs=WLW11.10&service=Find&pbc=ECC9867F&db=0000345&sv=Split&rlt=CLID_FQRLT7413340815612&n=1&vr=2.0&rlti=1&mt=CampusLaw&serialnum=1965111694&locatestring=HD(503)%2cCL(H%2cO)%2cDC(A%2cL%2cO%2cD%2cG)%2cDT(E%2cD%2cC%2cM))The Court believes that this case is a proper one for the granting of a summary judgment. To begin with, there is absolutely no evidence of actual malice, an essential element of the cause of action, nor does it appear that such evidence could be introduced. Moreover, even assuming, arguendo, that Arlan's was responsible for Detective Stanley's causing the warrant to be issued for Mrs. Janney's arrest, the court believes that defendant had probable cause to believe that plaintiff had willfully concealed merchandise while in the department store. This is borne out by her conviction in the Municipal Court for the City of Roanoke on that charge. ‘It is settled law in this state that conviction by a trial justice, though reversed on appeal, is conclusive evidence of probable cause, unless such conviction was procured by the defendant through fraud or by means of evidence which he knew to be false.’ [Ricketts v. J. G. McCrory Co., 138 Va. 548, 554, 121 S.E. 916, 918 (1924)](http://campus.westlaw.com/find/default.wl?referencepositiontype=S&serialnum=1924104065&referenceposition=918&rp=%2ffind%2fdefault.wl&sv=Split&rs=WLW11.10&db=710&tf=-1&findtype=Y&fn=_top&mt=CampusLaw&vr=2.0&pbc=ECC9867F&tc=-1&ordoc=1965111694). To the same effect is [Saunders v. Baldwin, 112 Va. 431, 71 S.E. 620, 34 L.R.A.,](http://campus.westlaw.com/find/default.wl?serialnum=1911012716&tc=-1&rp=%2ffind%2fdefault.wl&sv=Split&rs=WLW11.10&db=710&tf=-1&findtype=Y&fn=_top&mt=CampusLaw&vr=2.0&pbc=ECC9867F&ordoc=1965111694) N.S., 958 (1911). See also [Engleman v. Progressive Machinery Corp., 156 F.Supp. 46 (D.Mass.1957)](http://campus.westlaw.com/find/default.wl?serialnum=1957108798&tc=-1&rp=%2ffind%2fdefault.wl&sv=Split&rs=WLW11.10&db=345&tf=-1&findtype=Y&fn=_top&mt=CampusLaw&vr=2.0&pbc=ECC9867F&ordoc=1965111694).

Looking at all the facts, the court thinks that the defendant had probable cause to believe that plaintiff was concealing merchandise within the meaning of Va.Code Ann. § 18.1-127, and will enter an order granting summary judgment upon the defendant in this case.

D.C.Va. 1965.  
Janney v. Arlan's Dept. Store,  
247 F.Supp. 306  
  
END OF DOCUMENT

(c) 2011 Thomson Reuters. No Claim to Orig. US Gov. Works